

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	2:04-cr-0065-GEB
Plaintiff,	)	
	)	
v.	)	
	)	
BILLY SOUTHERLAND,	)	<u>SENTENCING RESTITUTION</u>
	)	<u>ISSUES</u>
Defendant.	)	
_____	)	

At Defendant's sentencing hearing held August 9, 2005, the parties disagreed over the amount of restitution that should be ordered, and on whether a supplemental hearing should be scheduled under 18 U.S.C. § 3644(d)(5) to address additional restitution claims. Defendant vigorously objected to information the government previously submitted on restitution, contending it was grossly inaccurate. On July 22, 2005, the government filed a formal objection to the restitution recommended by Probation in the Presentence Report ("PSR"), in which the government argued it "does not yet have a final figure for restitution," and it "wishes to present a full and complete list of restitution requests to the court." (Gov't Obj. to PSR filed July 22, 2005, at 3.)

At the August 9 hearing the government, pursuant to 18 U.S.C. § 3664(d)(5) and consistent with Probation's

1 recommendation, requested that a hearing be scheduled for  
2 October 28, 2005, "to address any additional [victim] restitution  
3 claims which may be made."<sup>1</sup> (Addendum at 2.) Defendant opposed  
4 this request, arguing that the government had sufficient time to  
5 provide the Court with a restitution figure.

6 The government's request for a hearing on additional  
7 restitution claims is granted because, as the government  
8 explained at the August 9 hearing, the "victim impact statements  
9 continued to come in after the time the [PSR] was prepared," and  
10 after the government's July 22 objection to the PSR. 18 U.S.C.  
11 § 3664(d)(5). The hearing will be held on October 28, 2005, at  
12 9:00 a.m.

13 Lastly, following the August 9 sentencing hearing, the  
14 Probation Officer was contacted about restitution and stated that  
15 he will issue an addendum to this section of the PSR prior to the  
16 August 15 sentencing hearing.

17 IT IS SO ORDERED.

18 Dated: August 12, 2005

19  
20 /s/ Garland E. Burrell, Jr.  
21 GARLAND E. BURRELL, JR.  
22 United States District Judge  
23  
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26 <sup>1</sup> Probation's Addendum to PSR dated July 29, 2005  
27 ("Addendum"), at page 2, states "if no additional victims come  
28 forward, the [October 28] date shall be vacated"; and that  
Probation "will notify the parties by October 21, 2005, if more  
victims have provided any claim for restitution."